

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

LARRY W. ASHWORTH,

Plaintiff,

v.

Civil Action No. 2:20-CV-00053-JDC-KK
Judge James D. Cain, Jr.

KERR MCGEE CHEMICAL CORP, et al.,

Defendants.

PLAINTIFF LARRY W. ASHWORTH’S EXPANDED STATUS REPORT

Pursuant to the Court’s April 16, 2021 Order, ECF 53, directing the parties to file a status update, Plaintiff Larry W. Ashworth (“Mr. Ashworth”) and Defendants Occidental Petroleum Corporation (“Occidental”) and Anadarko Petroleum Corporation (“Anadarko”) file this joint status report to inform the Court of the parties’ ongoing discussions regarding whether these proceedings should remain stayed pending resolution of related proceedings between the parties in New York federal court.

On March 12, 2021, Occidental and Anadarko filed a Notice of Appeal in the United States Court of Appeals for the Second Circuit, case number 21-627 (the “Second Circuit Appeal”), appealing a February 19, 2021 opinion and order issued by Judge Oetken of the United States District Court for the Southern District of New York, denying Occidental and Anadarko’s motion to enforce a November 19, 2014 permanent injunction barring Mr. Ashworth’s claims before this Court.

On May 10, 2021, Mr. Ashworth moved to dismiss Occidental and Anadarko’s appeal on the grounds that the Second Circuit lacks appellate jurisdiction. Occidental and Anadarko filed

their response on May 28, 2021. Mr. Ashworth's reply in support of his motion to dismiss is due June 11, 2021.

Occidental and Anadarko remain steadfast in their belief that the November 19, 2014 permanent injunction bars Mr. Ashworth's claims against Occidental and Anadarko. Mr. Ashworth, through his counsel, remains steadfast that there is no such bar, in addition to the jurisdiction question they have raised.

While the Second Circuit Appeal is pending, Mr. Ashworth intends to seek leave to amend the complaint to, among other things, clarify that (i) defendant Kerr-McGee Corporation includes reorganized Tronox Incorporated, reorganized Tronox Worldwide LLC f/k/a Kerr-McGee Chemical Worldwide LLC, reorganized Tronox LLC f/k/a Kerr-McGee Chemical LLC and other successors in interest, is a wholly owned subsidiary of Anadarko and a successor to the entity known as Kerr-McGee Corporation in the late 1990s, and that (ii) the putative class includes all persons and property potentially exposed to and/or contaminated by chemicals via the migration routes and patterns described in a recent series of related reports issued by the U.S. Environmental Protection Agency ("EPA"), including the report entitled Remedial Investigation Report, American Creosote DeRidder Superfund Site, DeRidder, Beauregard Parish, Louisiana, EPA Identification No. LAN000604293, dated April 2021. Before filing such a motion, the parties will confer as to whether defendants will consent to Mr. Ashworth's proposed amendments to the complaint.

In addition, while the Second Circuit Appeal is pending, Mr. Ashworth may seek leave to perpetuate the testimony of certain members of the putative class pursuant to Rule 27 of the Federal Rules of Civil Procedure. Before filing such a motion, the parties will confer as to whether defendants will consent to any such depositions.

Otherwise, the parties request that this case remain stayed as to Occidental and Anadarko, pending further discussion between the parties. The parties propose to file a further status report with the Court within ten days (10) days of any decision resolving the Second Circuit Appeal or in ninety (90) days, whichever is sooner, to address the status of the pending appeal and how best to proceed in this action, including whether and/or how to proceed with briefing, on Occidental and Anadarko's motion to dismiss Mr. Ashworth's claims for lack of personal jurisdiction.

Dated: June 8, 2021

Respectfully submitted,

s/ Perry R. Sanders, Jr.
Perry R. Sanders, Jr.
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Counsel for Plaintiff
Larry W. Ashworth

CERTIFICATE OF SERVICE

I certify that on June 8, 2021, I served the foregoing on all counsel of record by filing the pleading with the Court's electronic court filing ("ECF") system, which automatically notifies all counsel of record.

s/ Perry R. Sanders, Jr.

Perry R. Sanders, Jr.